

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

JEROME LEVI DEVORE,

Plaintiff,

v.

CASE NO. 22-3101-SAC

**NEOSHO POLICE DEPARTMENT,
et al.,**

Defendants.

MEMORANDUM AND ORDER

Plaintiff filed this pro se civil rights case under 42 U.S.C. § 1983. Although Plaintiff is currently detained at the Crawford County Jail in Girard, Kansas, the incidents giving rise to his complaint occurred in Neosho, Missouri.

The complaint identifies the defendants as: the Neosho Police Department; the Neosho Fire Department; the Newton County Sheriff; unnamed EMTs; and various unnamed staff at the Neosho Police Department, the Neosho Fire Department, and the Newton County Jail. The Newton County Jail is located in Neosho, Missouri. Plaintiff's allegations in the complaint are based on an incident occurring in Neosho, Missouri, where the police allegedly called the fire department to cut down a tree Plaintiff was in and proceeded to taze Plaintiff after he fell to the ground. Plaintiff also alleges that he did not receive proper medical care after being taken to the Newton County Jail.

Under 28 U.S.C. § 1391(b):

A civil action may be brought in –

(1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located;

(2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated . . .

28 U.S.C. § 1391(b)(1)–(2).

Accordingly, venue is proper in Missouri under 28 U.S.C. § 1391(b). The Court directs the Clerk of the Court to transfer this matter to the United States District Court for the Western District of Missouri.

IT IS THEREFORE ORDERED BY THE COURT that the Clerk of Court shall transfer this action to the United States District Court for the Western District of Missouri.

IT IS SO ORDERED.

Dated May 27, 2022, in Topeka, Kansas.

s/ Sam A. Crow
SAM A. CROW
Senior U. S. District Judge